

Application No. 09/094,539  
Amendment "G" dated February 16, 2005  
Reply to Office Action mailed January 26, 2005

### REMARKS

The Final Office Action, mailed January 26, 2005, considered claims 1-13. Claims 1-5 and 7-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyder (U.S. Patent No. 6,253,255) in view of Sharma (U.S. Patent No. 6,249,818). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyder in view of Sharma, and further in view of Mohammed (U.S. Patent No. 6,041,356)<sup>1</sup>.

Although this amendment is being filed after final, it should be entered without an RCE because the remarks made herein should place the application in condition for immediate allowance without introducing any new matters or issues for consideration.

By this paper, Applicants are disqualifying the primary reference, Hyder, as valid prior art under 35 U.S.C. § 103(c), for use in rejecting the present claims based on obviousness. The reason for this is because Hyder qualifies as prior art, if at all, as 102(e) prior art since it issued after the present application was filed. Furthermore, inasmuch as Hyder was commonly assigned to or at least subject to an assignment to Microsoft, the assignee of the present application, at the time of the present invention, Hyder is disqualified as prior art for obviousness rejections according to 35 U.S.C. § 103(c).

Accordingly, inasmuch as Hyder is relied upon for each of the rejections that still remain of record, each of these rejections are now moot and should therefore be withdrawn. Accordingly, Applicants respectfully submit that the present application should now be

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<sup>1</sup> Although the prior art status of the cited art, other than Hyder, is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the other cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

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considered in condition for prompt allowance inasmuch as the art has been extensively searched and the issues have been fully considered prior to this last set of rejections that are now moot.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 16 day of February, 2005.

Respectfully submitted,



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